IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL

Criminal Misc. Appl. No. 475 of 2005

1. Jeevan Singh S/o Dodha Singh

2. Smt. Vimla Devi W/o Sri Jiwan Singh

3. Rajeev Kumar S/o Jiwan Singh

4. Sanjeev Kumar S/o Jiwan Singh
All R/o Mohalla Adarsh,
Bijnore (U.P.) … Applicants

Versus

1. State of Uttaranchal

2. Rajendra Pal Singh
R/o 8/11 Tapoven Enclave, PO Tapovan,
Vaya Raipur, PS Dehradun
District – Dehradun … Respondents

Sri Arvind Vashist, learned counsel for the applicants
Sri Lokendra Dobhal, learned counsel for the respondent No.2

Hon'ble J.C.S. Rawat, J.

Learned counsel for the applicants have filed supplementary affidavit alongwith the compromise of the parties entered before the Family Court, be taken on record.

This petition u/s 482 Cr.P.C. has been filed to set aside the Criminal Proceeding against the applicants in Case No. 2445/2004 in case crime No. 24/2004 u/s 498A, 506 I.P.C. read with ¾ Dowry Prohibition Act pending before the court of Judicial Magistrate C.B.I., Dehradun.

During pendency of this petition, the parties have filed the joint affidavits of Sanjeev Kumar-husband, Smt. Preeti-wife and Sri Rajendra Pal Singh, father-in-law of Sanjiv Kumar. According to the contents of the joint affidavit the compromise has been taken place in between the parties and the terms of the compromise has been incorporated in the affidavit. In

pursuance of the said affidavit, the parties have entered into compromise.

Considering that the parties have entered into an amicable settlement and no useful purpose will be served to prolong the pendency of the above mentioned case. It has been held by the Hon'ble Supreme Court in **B. S. Joshi and Ors. Vs. State of Haryana and Anr. JT 2003(3) SC 277:-**

"12. The special features in such matrimonial matters are evident. It becomes the duty of the Court to encourage genuine settlement of matrimonial disputes.

13. The observations made by this Court, though in a slightly different context, in ***G.V. Rao Vs. L.H.V. Prasad and others 2000(3)SCC p/693*** *are very apt for determining the approach required to be kept in view in matrimonial dispute by the Courts. It was said that there has been an outburst of matrimonial disputes in recent times. Marriage is a sacred ceremony, the main purpose of which is to enable the young couple to settle down in life and live peacefully. But little matrimonial skirmishes suddenly extent which often assume serious proportions resulting in commission of heinous crimes in which elders of the family are also involved with the result that those who could have counselled and brought about re-approchment are rendered helpless on their being arrayed as accused in the criminal case. There are many other reasons which need not be mentioned here for not encouraging matrimonial litigation so that the parties may ponder over their defaults and terminate their disputes amicably by mutual agreement instead of fighting it out in a Court of law where it takes years and years to conclude and in that process the parties lose their 'young' days in chasing their 'cases' in different Courts."*

In view of the compromise entered in between the parties, the criminal proceedings against the applicants in Case No. 2445/2004 in case crime No. 24/2004 u/s 498A, 506 I.P.C.

read with ¾ Dowry Prohibition Act pending before the court of Judicial Magistrate C.B.I., Dehradun is hereby quashed.

The petition is disposed of accordingly.

(J.C.S. RAWAT, J.)

20th March, 2006
Shiv